

MEMORANDUM

Utilities Department

TO: Robert Rawls, Town Administrator

FROM: Daniel Colabella, Utilities Director

DATE: June 23, 1999

SUBJECT: Ordinance Deleting Town Code Sections 10-17, 10-18 and 10-19

The Town Council adopted Ordinances in 1964 which created a wastewater district requiring mandatory connections within the district and providing for wastewater agreements for purposes of providing service to the district. These Ordinances are now obsolete and inconsistent with the needs and practices of the Town. Therefore, we are seeking the Town Council's approval to delete these provisions from the Town Code.

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ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, DELETING FROM THE TOWN CODE SECTION 10-17 CONCERNING CREATION OF A WASTEWATER DISTRICT, SECTION 10-18 CONCERNING MANDATORY WASTEWATER CONNECTIONS AND SECTION 10-19 CONCERNING NEGOTIATION AND EXECUTION OF WASTEWATER AGREEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council in 1964 adopted an Ordinance or Ordinances which created a wastewater district requiring mandatory connections within the district and providing for wastewater agreements for purposes of providing service to the district; and

WHEREAS, the provisions of said Ordinance or Ordinances has been incorporated into the Town Code as Sections 10-17, 10-18 and 10-19; and

WHEREAS, the aforementioned provisions are obsolete and inconsistent with the needs and practices of the Town; and

WHEREAS, the Town Council wishes to delete the obsolete provisions from the Town Code concerning the wastewater district.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That Section 10-17 of the Code of the Town of Davie is hereby deleted in its entirety as follows:

~~Sec. 10-17. Wastewater district and wastewater department created.~~

~~A wastewater district for the town is hereby established, and shall be defined as encompassing all areas within the territorial limits of the town of Davie.~~

SECTION 2. That Section 10-18 of the Code of the Town of Davie is hereby deleted in its entirety as follows:

~~Sec. 10-18. Wastewater connections mandatory.~~

~~It shall be mandatory that all wastewater service within the wastewater district be connected to the wastewater system of the town. The retail wastewater service shall be provided by means of developer's agreements and/or special assessments.~~

SECTION 3. That Section 10-19 of the Code of the Town of Davie is hereby deleted in its entirety as follows:

~~Sec. 10-10. Negotiation and execution of wastewater agreements.~~

~~The mayor is hereby authorized to negotiate and execute, with the approval of the council, wholesale wastewater agreements with any utility for the purposes of providing temporary and/or short term wastewater service for the above described district provide the agreement or agreements shall not exceed five (5) years or until service is available from the town's own facilities.~~

SECTION 4 All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 1999.

PASSED ON SECOND READING THIS ____ DAY OF _____, 1999.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 1999.